UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
SORRELL, ERON J

ART UNIT	PAPER NUMBER
2182	

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/838,141	SUORSA ET AL.
	Examiner	Art Unit	
	Eron J. Sorrell	2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 October 2005</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1,4-8,10-13 and 16-25</u> is/are pending in the application.

    4a) Of the above claim(s) <u>19-25</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1,4,8,10-13 and 19</u> is/are rejected.

7)☒ Claim(s) <u>17 and 18</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>20 April 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1.   Applicant's election with traverse of claims 19-25 in the
reply filed on 10/27/05 is acknowledged. The traversal is on
the ground(s) that the Examiner has not demonstrated the subject
matter is so materially different from the original claims that
it should be examined in a separate application. This is not
found persuasive because the originally filed claims have no
limitations requiring storing a *model of software components* and
making *comparisons against the model* for determining whether or
not to load a software component to a network device, instead
the originally filed claims comprise limitations requiring
storing of parameters (defined in the instant specification as
comprising configuration data, settings, and address at
paragraph 14 of page 6) and making *comparisons against the*
parameters to determine if a command should be executed
(emphasis added).

The requirement is still deemed proper and is therefore
made FINAL.

2.   This application contains claims 19-25 drawn to an
invention nonelected with traverse in applicant's remarks filed
10/27/05. A complete reply to the final rejection must include

cancellation of nonelected claims or other appropriate action

(37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs

of 35 U.S.C. 102 that form the basis for the rejections under

this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 1,4,5,8,10, and 11, are rejected under 35

U.S.C. 102(e) as being anticipated by Bahlmann (U.S. Patent No.

6,546,392).

5.   Referring to claim 1, Bahlmann teaches a method for

automated provisioning of computer networks comprising a

plurality of customer accounts, wherein the customer accounts

relate to specific customer hardware devices contained on the

network, and specific customer software applications deployed by

way of the computer network, comprising the steps of:

receiving at least one command to be executed on a network

device related to a specific customer account (see lines 34-63

of column 10);

reading parameters from a network database related to said

customer account (see lines 34-63 of column 10, wherein Bahlmann

teaches checking a "user level," and lines 43-58 of column 7,

wherein Bahlmann teaches the user level is stored in a user

record database);

determining whether the at least one command can be

properly executed based upon the parameters read (see lines 34-

63 of column 10); and

executing the at least one command, by a network agent of

the network device only if it is determined that the at least

one command can be properly executed (see lines 34-63 of column

10 see paragraph bridging columns 10 and 11; note the network

device has means for sending, receiving and executing commands).

6.   Referring to claims 4 and 5, Bahlmann teaches the agent

provides information needed to execute the command for

comparison with parameters read from the network database and

determination that a command can be properly executed is only

made if the information needed to execute the command matches

the parameters read from the network database (see lines 34-63

of column 10 and lines 43-58 of column 7).

7.   Referring to claim 8, Bahlmann teaches the step of

determining is based upon reading software configuration

requirements (see lines 34-63 of column 10; note the IP address

is verified during the determining step).

8.   Referring to claim 10, Bahlmann teaches the software

configuration requirements indicate that the at least one

command is a customer specific command (see lines 5-28 of column

6; note that once a user has logged on, all of the commands

processed subsequent to the login are customer specific).

9.   Referring to claim 11, Bahlmann the step of determining

comprises determining whether the customer to which the software

configuration requirement is specific is the same customer to

which the network device is related (see lines 29-41 of column

6; note a comparison is made on the MAC address of the device).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which

forms the basis for all obviousness rejections set forth in this

Office action:

> (a) A patent may not be obtained though the invention is not identically
> disclosed or described as set forth in section 102 of this title, if the
> differences between the subject matter sought to be patented and the prior
> art are such that the subject matter as a whole would have been obvious at
> the time the invention was made to a person having ordinary skill in the
> art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

11. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Bahlmann in view of Gonda et al. (U.S. Patent

No. 6,662,221 hereinafter "Gonda").

12. Referring to claims 6 and 7, Bahlmann fails to teach

receiving a message that at least one command is to be executed

from a secure provisioning network, verifying the validity of

the message by requesting verification from the secure

provisioning network, wherein the separate verifying is

accomplished by way of a communication gateway of the

provisioning network.

 Gonda teaches, in an analogous method, the above

limitations (see lines 22-47 of column 4).

 It would have been obvious to one of ordinary skill in the

art at the time the applicant's invention to modify the method

of Bahlmann with the above teachings of Gonda. One of ordinary

skill in the art would have been motivated to make such

modification in order to provide extra security the data being

transmitted as suggested by Gonda (see lines 44-47 of column 4).

13.   Claims 12,13, and 16 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Bahlmann in view of Hayko et al. (U.S.

Pub No. 2002/0095522 hereinafter "Hayko").

14.   Referring to claim 12, Bahlmann fails to teach the step of

executing comprises installing one or more software packages.

    Hayko teaches in an analogous system the above limitation

(see paragraphs 32 and 33 on page 3).

    It would have been obvious to one of ordinary skill in the

art at the time of the applicant's invention to modify the

system and method of Bahlmann with the above teachings of Hayko.

One of ordinary skill in the art would have been motivated to

make such modification in order to facilitate the upgrade of

applications on the network device as suggested by Hayko (see

paragraphs 32 and 33).

15.   Referring to claim 13, Hayko teaches the step of

determining comprises determining whether the one or more

software packages relates to a specific customer (see paragraph

31; note the client selects which application is installed, thus

the application selected is related to the specific customer

making the selection).

16.   Referring to claim 16, Bahlmann teaches that commands are

only executed if it is determined that the network device upon

which the command is to be executed is associated with the

customer to which the command relates (see Bahlmann, lines 29-41

of column 6).   Hayko adds the teaching of the step of executing

the command comprises installing an application (see Hayko,

paragraph 32 and 33 of page 3).

Allowable Subject Matter

17.   Claims 17 and 18 objected to as being dependent upon a

rejected base claim, but would be allowable if rewritten in

independent form including all of the limitations of the base

claim and any intervening claims.

Response to Arguments

18.   Applicant's arguments filed 10/27/05, with respect to

claims 1 and 4 have been fully considered but they are not

persuasive.   The applicant argues:

1) the execution of the command is not carried out by a
network agent on the user premise equipment, rather the command
is executed by a tool located within gateway 100 (i.e. Bahlmann
does not teach an agent of a network device) (see last paragraph
of page 10); and

2) Bahlmann fails to teach the agent provides information
needed to execute the command for comparison with parameters
read from the network database (see first full paragraph of page
11).

19. **As per argument 1, the Examiner disagrees.**   At lines 4-6
of column 11, Bahlmann teaches *the modified parameters are sent
to the user premise equipment for implementation* (emphasis
added). This citation shows the command is carried out at the
user premise equipment.

20. **As per argument 2, the Examiner disagrees.** At lines 33-63
of column 10, Bahlmann teaches the user interface program
obtains the current filter parameters from the user premise
equipment, therefore the user premise equipment provides
information for comparison.

21. Applicant's arguments, see first and second paragraphs of page 12, filed 10/27/05, with respect to claims 17 and 18 have been fully considered and are persuasive. The rejections of claims 17 and 18 have been withdrawn.

Conclusion

22. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eron J. Sorrell whose telephone number is 571 272-4160. The examiner can normally be reached on Monday-Friday 8:00AM - 4:30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on 571-272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EJS
February 2, 2006

KIM HUYNH
SUPERVISORY PATENT EXAMINER
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